

EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOROTHY ANDERSON and
DEMARQUION MERRILL, as
Co-Personal Representative
of the Estate of BOBBY
MERRILL, deceased,

Plaintiffs,

Case No.: 13-11159

vs.

Hon. Thomas Ludington

OFFICER JEFF MADAJ, individually,
OFFICER JUSTIN SEVERS, individually,
OFFICER BRIAN GUEST, individually, and
OFFICER STEVEN WIETECH, individually,

Defendants.

_____/

The Deposition of OFFICER JEFFREY J. MADAJ,
taken before David S. Ripka, CSR-2175 and Notary Public in and
for the County of Genesee, acting in the County of Saginaw,
State of Michigan, at the offices of Ripka, Boroski &
Associates, One Tuscola Street, Suite 301, Saginaw, Michigan,
on Wednesday, November 20, 2013, commencing at or about
12:56 p.m.

APPEARANCES:

Fieger, Fieger, Kenney, Giroux, Danzig & Harrington, P.C.
BY: ROSS A. BRUNETTI, ESQ. (P73080)
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Appearing on behalf of Plaintiffs,

<p style="text-align: right;">Page 138</p> <p>1 initial this and put this in the correct position that I</p> <p>2 recall it being in?</p> <p>3 Q Sure.</p> <p>4 MR. REISING: Well, you're not drawing this to</p> <p>5 scale, I assume?</p> <p>6 THE WITNESS: No.</p> <p>7 MR. REISING: Okay.</p> <p>8 THE WITNESS: "P3".</p> <p>9 Q (BY MR. BRUNETTI) Okay. So it looks like, as you</p> <p>10 approached, there were two other patrol cars on the South</p> <p>11 Washington facing the same direction that you were</p> <p>12 traveling, correct?</p> <p>13 A Yes.</p> <p>14 Q And you pulled your vehicle sort of to the left of theirs</p> <p>15 to try to block Bobby Merrill in; is that correct?</p> <p>16 A To block his advance, that's correct.</p> <p>17 Q Right. Because he was heading east toward the direction</p> <p>18 that you parked?</p> <p>19 A Correct.</p> <p>20 Q All right. At that point, what did you see as you</p> <p>21 stopped your patrol vehicle?</p> <p>22 A Mr. Merrill was standing up. The three officers were</p> <p>23 right behind him. I then exited my vehicle. And at the</p> <p>24 point that I exited my vehicle, Mr. Merrill was falling</p> <p>25 to the ground.</p>	<p style="text-align: right;">Page 140</p> <p>1 the jeans were.</p> <p>2 Q Do you remember what he was wearing on top?</p> <p>3 A He had a shirt on. There was no jacket. And he had a</p> <p>4 shirt on. I don't remember what color the shirt was.</p> <p>5 Q But no jacket?</p> <p>6 A Not that I recall.</p> <p>7 Q Okay. From what you saw before you got out of your car,</p> <p>8 did he appear to be displaying any signs of aggression?</p> <p>9 A His gait or his walk would lead me to believe my -- just</p> <p>10 looking at what I observed, it was almost like he knows</p> <p>11 the officers are there and he's continuing to move away.</p> <p>12 Q Okay. So he was moving away from the officers?</p> <p>13 A Yes.</p> <p>14 Q But his hands are at his sides, correct?</p> <p>15 A That's what I recall at this time, yes.</p> <p>16 Q So they weren't balled up near his face in fists?</p> <p>17 A No.</p> <p>18 Q Did he have any weapons in his hands from what you could</p> <p>19 see?</p> <p>20 A No.</p> <p>21 Q As he was walking away from the officers, was he walking</p> <p>22 slowly, or was he walking quickly?</p> <p>23 A I would say he was walking away aggressively, in an</p> <p>24 aggressive, rapid manner.</p> <p>25 Q So you would say it was rapid?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q All right. So let's take you back. Before you exit the</p> <p>2 patrol vehicle, you were looking out your window, and you</p> <p>3 see Mr. Merrill with the officers behind him, correct?</p> <p>4 A Correct.</p> <p>5 Q What is Mr. Merrill doing before you get out of your</p> <p>6 patrol vehicle?</p> <p>7 A He's still moving to the east.</p> <p>8 Q So he's moving toward your patrol vehicle?</p> <p>9 A That's correct.</p> <p>10 Q Where are his hands?</p> <p>11 A I recall his hands being down by his side.</p> <p>12 Q Did you notice anything else about his appearance?</p> <p>13 A He appeared to be a larger male.</p> <p>14 Q What made you -- how did he appear larger?</p> <p>15 A His size, his physical characteristics.</p> <p>16 Q How tall would you say he was?</p> <p>17 A Six foot one.</p> <p>18 Q About how heavy would you say he was?</p> <p>19 A Two seventy-five to three hundred pounds.</p> <p>20 Q Do you remember what he was wearing?</p> <p>21 A Just remember white shoes, white tennis shoes, and I</p> <p>22 think they were Adidas, low tops, low cut.</p> <p>23 Q Can you remember his pants?</p> <p>24 A He had pants on. I don't recall what color, and I</p> <p>25 believe they were jeans, but I don't recall what color</p>	<p style="text-align: right;">Page 141</p> <p>1 A Correct.</p> <p>2 Q How would it be aggressive if he's walking away from the</p> <p>3 officers?</p> <p>4 A It was the manner in which he was doing it, plus his body</p> <p>5 appeared to be tense.</p> <p>6 Q Okay.</p> <p>7 A Not like a normal gait or a normal walking, you know,</p> <p>8 like somebody's just walking along.</p> <p>9 Q So, his body appeared tense. But would you agree that if</p> <p>10 someone is walking away, typically, that isn't a sign of</p> <p>11 aggression? That's someone trying to avoid something as</p> <p>12 opposed to meeting something head on?</p> <p>13 A As a police officer, somebody could walk away, but to</p> <p>14 me it was an aggressive manner in which he was walking</p> <p>15 away. It's not just somebody typically going, "I'm not"</p> <p>16 -- you know, I could tell if somebody's, "Well, I'm not</p> <p>17 gonna stop and talk to you. I don't want to talk to</p> <p>18 you."</p> <p>19 Q But wouldn't you agree that aggression --</p> <p>20 A Aggressive is the term that I used.</p> <p>21 Q Okay. So are you saying that he was displaying</p> <p>22 aggression toward the officers?</p> <p>23 A No.</p> <p>24 Q Okay. So even though you say "aggressive," he wasn't</p> <p>25 displaying aggression towards the officers?</p>

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<p>1 ground, was he still on the ground?</p> <p>2 A Yes.</p> <p>3 Q So when you approached Bobby Merrill, he was still on the</p> <p>4 ground?</p> <p>5 A Yes.</p> <p>6 Q Okay. The other officers, were they standing right there</p> <p>7 as well?</p> <p>8 A Yes. Well, they weren't standing. They were down</p> <p>9 attempting to take him into custody.</p> <p>10 Q Okay. So did Officers Severs, Wietecha and Guest reach</p> <p>11 Bobby Merrill before you did?</p> <p>12 A Yes.</p> <p>13 Q And could you see what they were doing to Bobby Merrill</p> <p>14 as you were approaching the area?</p> <p>15 A Yes.</p> <p>16 Q Who was doing what?</p> <p>17 A I don't remember who was doing what. But I believe that</p> <p>18 Officer Wietecha -- well, I will say this. They were</p> <p>19 trying to take him into custody, because Officer Wietecha</p> <p>20 was on the left side of Mr. Merrill.</p> <p>21 Officer Guest was also on the left side towards</p> <p>22 the rear of -- I shouldn't say the rear, but towards the</p> <p>23 back legs of Mr. Merrill.</p> <p>24 Officer Severs was on his -- I believe, on his</p> <p>25 right side or in between his two legs, near the legs and</p>	<p>1 vehicle.</p> <p>2 Q Okay. So he was on the other side of your vehicle when</p> <p>3 he got tased?</p> <p>4 A When he went down, yes.</p> <p>5 Q And so you couldn't see whether or not he went all the</p> <p>6 way down to the ground or whether or not he was just on</p> <p>7 his knees?</p> <p>8 A That's correct. Based on what I observed when he fell,</p> <p>9 it would have appeared at that time that he actually went</p> <p>10 all the way down to the ground, stomach flat on the</p> <p>11 ground.</p> <p>12 Q Okay. So, and stomach flat on the ground, you mean face</p> <p>13 first?</p> <p>14 A Stomach touching the ground.</p> <p>15 Q Okay. By the time you approached Bobby Merrill and the</p> <p>16 other officers, what was his position?</p> <p>17 A He was -- his stomach was no longer touching the ground.</p> <p>18 His front of his body was facing the concrete of the</p> <p>19 roadway, but he was no longer stomach touching the</p> <p>20 ground. He was actually attempting to get up off the</p> <p>21 ground.</p> <p>22 Q Okay. How long did it take you to get from your patrol</p> <p>23 car to the area where he was on the ground?</p> <p>24 A Two to three seconds, tops.</p> <p>25 Q All right. And what was Officer Wietecha doing on the</p>
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<p>1 torso area.</p> <p>2 And I went to Mr. Merrill's right side to try</p> <p>3 to get his right arm out from under him.</p> <p>4 Q At the time you approached, was Bobby Merrill on his back</p> <p>5 or on his stomach?</p> <p>6 A Could you be more specific with your question? And the</p> <p>7 reason I ask is, could you tell me if -- I know that</p> <p>8 you're saying on his back or on his stomach, but</p> <p>9 Mr. Merrill was like on his knees, kind of in a hunched</p> <p>10 over -- I mean, if you want to say was he --</p> <p>11 Q Okay. Let me clarify that. When you saw Bobby Merrill</p> <p>12 get tased and he fell to the ground, did he fall</p> <p>13 completely to the ground, or was he supporting himself in</p> <p>14 some way?</p> <p>15 A No, he went right to the ground.</p> <p>16 Q And when he fell to the ground, was he lying on his --</p> <p>17 lying on the ground, or was he kneeling on the ground?</p> <p>18 A (No response)</p> <p>19 Q Just after you get to him?</p> <p>20 A Kneeling on the ground.</p> <p>21 Q Well --</p> <p>22 A Just afterwards?</p> <p>23 Q Just after he was tased.</p> <p>24 A Just after he was tased, I couldn't see that because I'm</p> <p>25 moving around from my vehicle, the location of my</p>	<p>1 left side of Bobby Merrill as you approached?</p> <p>2 A Attempting to take him into custody.</p> <p>3 Q How was he attempting to effect that?</p> <p>4 A I recall him attempting to get a hold of Mr. Merrill's</p> <p>5 arm, his left arm.</p> <p>6 Q What was Officer Guest doing when you approached?</p> <p>7 A Same. Also trying to get a hold of his left arm.</p> <p>8 Q So Officer Guest was also trying to grab Bobby Merrill's</p> <p>9 left arm?</p> <p>10 A Attempting to pull it out from under him. He had it like</p> <p>11 tucked in the left side, which would be by the belt line,</p> <p>12 the waistline.</p> <p>13 Q So he had it tucked under his -- under his stomach?</p> <p>14 A Yeah, he had it -- yeah, tucked by his waistline where we</p> <p>15 could not observe it, where I could not observe it. I</p> <p>16 don't know if they could.</p> <p>17 Q And at this point --</p> <p>18 A Because I'm on the right side.</p> <p>19 Q At this point you're saying he's no longer stomach flat</p> <p>20 on the ground?</p> <p>21 A No.</p> <p>22 Q Okay. What was Officer Severs doing?</p> <p>23 A Specifically, I don't know.</p> <p>24 Q So you don't remember what he was doing to try to</p> <p>25 restrain Bobby Merrill?</p>

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<p style="text-align: right;">Page 150</p> <p>1 A No.</p> <p>2 Q But you know that he was on the right side of Bobby</p> <p>3 Merrill?</p> <p>4 A He was like, yes, like kind of right behind me. But I</p> <p>5 don't know what he was doing.</p> <p>6 Q Okay. So Severs was behind you at this point?</p> <p>7 A Yes.</p> <p>8 Q All right. As you approached, what did you do?</p> <p>9 A I went to his right side, attempted to get his right arm</p> <p>10 out from under him. It did not work. At that time --</p> <p>11 Q I'm going to slow you down for a second.</p> <p>12 How did you try to get the right arm?</p> <p>13 A Grab it, pull it out.</p> <p>14 Q Where was his right arm?</p> <p>15 A It was up in front, like right up in here, like up</p> <p>16 towards the -- like his chest area, let's say.</p> <p>17 Q Was he still on his knees at this point?</p> <p>18 A Yeah.</p> <p>19 Q Okay. And I imagine, given that you said he was still</p> <p>20 kind of facing the concrete earlier, is he kind of</p> <p>21 hunched over his knees?</p> <p>22 A Yeah, he was kind of on his knees and hunched forward,</p> <p>23 you know, not straight up but actually hunched forward.</p> <p>24 Q And you said that the left arm was tucked by the belt</p> <p>25 line, and the right arm that you're grabbing at is up</p>	<p style="text-align: right;">Page 152</p> <p>1 cartridge from it and drive-stunned him.</p> <p>2 Q At this point, had Bobby Merrill tried to strike any of</p> <p>3 the officers?</p> <p>4 A Not that I had observed.</p> <p>5 Q Okay. At this point -- well, strike that.</p> <p>6 Before you drive-stunned Bobby Merrill, did you</p> <p>7 let him know that you were going to stun him?</p> <p>8 A No.</p> <p>9 Q So you didn't say, "Put your hands behind your back or</p> <p>10 I'm going to stun you"?</p> <p>11 A No.</p> <p>12 Q Okay. At the time that you drive-stunned Bobby Merrill,</p> <p>13 was he still on his knees?</p> <p>14 A Yes.</p> <p>15 Q So he wasn't standing?</p> <p>16 A No.</p> <p>17 Q Was he still hunched over?</p> <p>18 A Yes.</p> <p>19 Q I apologize. Just give me one... I'm going to show you a</p> <p>20 document. These are Requests for Admissions that were</p> <p>21 directed toward you, I'm assuming answered by your</p> <p>22 attorney. Did you ever see this document --</p> <p>23 A Yes.</p> <p>24 Q -- the Request for Admissions?</p> <p>25 I would like to direct your attention to</p>
<p style="text-align: right;">Page 151</p> <p>1 near the chest?</p> <p>2 A Yes.</p> <p>3 Q All right. When you grabbed Bobby's right arm, did you</p> <p>4 tell anything to him -- tell him anything?</p> <p>5 A Just to, "Put your hands behind your back."</p> <p>6 Q Did he give any response?</p> <p>7 A No.</p> <p>8 Q Did you try talking to Bobby Merrill at this point?</p> <p>9 A Repeatedly, "Put your hands behind your back."</p> <p>10 Q So you repeated, "Put your hands behind your back. Put</p> <p>11 your hands behind your back. Put your hands behind your</p> <p>12 back"?</p> <p>13 A Yes.</p> <p>14 Q What was your manner of which that you told him that?</p> <p>15 A With authority: "Put your hands behind your back."</p> <p>16 Q Okay. So you used -- you were using an authoritative</p> <p>17 tone to tell him that?</p> <p>18 A Yes.</p> <p>19 Q And you're saying that he didn't comply?</p> <p>20 A He did not comply.</p> <p>21 Q Did he ever give you a verbal response?</p> <p>22 A No, not that I recall.</p> <p>23 Q Okay. What happened after you couldn't get his right</p> <p>24 arm?</p> <p>25 A I took out my department-issued taser, removed the</p>	<p style="text-align: right;">Page 153</p> <p>1 Request to Admit Number 8. It says, "Please admit that</p> <p>2 Defendant Officer Jeff Madaj deployed his taser on the</p> <p>3 decedent, Bobby Merrill, without first providing warning</p> <p>4 or notification."</p> <p>5 You denied that as untrue, correct?</p> <p>6 A That's correct.</p> <p>7 Q And here today you're testifying that you did not tell</p> <p>8 Bobby Merrill that you were going to deploy your taser if</p> <p>9 he didn't comply, correct?</p> <p>10 A That's correct.</p> <p>11 Q Okay.</p> <p>12 MR. BRUNETTI: I'm going to ask this be marked</p> <p>13 and admitted as Exhibit 2.</p> <p>14 (Deposition Exhibit Number 2 was marked</p> <p>15 for identification by the reporter)</p> <p>16 MR. BRUNETTI: And I'm also going to have the</p> <p>17 interrogatories marked and admitted as Exhibit 3,</p> <p>18 probably. Why don't we just do that now, because we</p> <p>19 referred to these earlier.</p> <p>20 (Deposition Exhibit Number 3 was marked</p> <p>21 for identification by the reporter)</p> <p>22 Q (BY MR. BRUNETTI) After you drive-stunned Bobby Merrill</p> <p>23 with your taser, and that's -- just for clarification</p> <p>24 again, that's where you take the cartridge off and you</p> <p>25 actually take the body of the taser and put it up to the</p>

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<p style="text-align: right;">Page 154</p> <p>1 person, correct?</p> <p>2 A That's correct.</p> <p>3 Q Okay. Did he respond to that stun?</p> <p>4 A None whatsoever.</p> <p>5 Q Did he physically respond to that stun?</p> <p>6 A No.</p> <p>7 Q Did he cry out in pain?</p> <p>8 A No.</p> <p>9 Q Did his body go rigid?</p> <p>10 A No.</p> <p>11 Q What happened after that?</p> <p>12 A I attempted to drive-stun him two to three more times</p> <p>13 with no effect.</p> <p>14 Q When you first drive-stunned him, what part of his body</p> <p>15 did you put the taser on?</p> <p>16 A Right between his shoulder blades.</p> <p>17 Q So on his back?</p> <p>18 A Yes.</p> <p>19 Q When you drive-stunned him a second time, where did you</p> <p>20 put the taser?</p> <p>21 A Same -- same location.</p> <p>22 Q Right between the shoulder blades?</p> <p>23 A Yes.</p> <p>24 Q When you drive-stunned him a third time, where did you</p> <p>25 put the taser?</p>	<p style="text-align: right;">Page 156</p> <p>1 A No.</p> <p>2 Q Did he ever say anything as this was going on?</p> <p>3 A He was --</p> <p>4 Q As the tasing was going on.</p> <p>5 A Yes, he did. I do not recall what it was in specifics.</p> <p>6 He was cussing. That I do know.</p> <p>7 Q Okay.</p> <p>8 A But whether it was a certain cuss word, I couldn't tell</p> <p>9 you.</p> <p>10 Q How much time elapsed between your first trying to get</p> <p>11 Bobby Merrill's right arm out from under him and the last</p> <p>12 taser application?</p> <p>13 A (Counting with fingers) That was five seconds right</p> <p>14 there, so -- what I just counted off. It would have</p> <p>15 approximately been five seconds.</p> <p>16 Q Okay. So at the time that you saw you couldn't get the</p> <p>17 right arm out from under Bobby Merrill, you tased him</p> <p>18 four times in five seconds?</p> <p>19 MR. REISING: That's not what the witness said.</p> <p>20 MR. BRUNETTI: I thought that's what he said.</p> <p>21 I'm looking for clarification.</p> <p>22 THE WITNESS: Okay. I counted -- what I just</p> <p>23 counted off, I would have exactly thought that that was</p> <p>24 about five seconds. Now, you have to understand --</p> <p>25 Q (BY MR. BRUNETTI) Okay.</p>
<p style="text-align: right;">Page 155</p> <p>1 A Same location.</p> <p>2 Q Same location. And did you ever apply the taser to a</p> <p>3 different portion of his body?</p> <p>4 A Yes.</p> <p>5 Q What other portion?</p> <p>6 A It was his left arm --</p> <p>7 Q Was that --</p> <p>8 A -- near his hand.</p> <p>9 Q And was that the last time you tased him?</p> <p>10 A Yes.</p> <p>11 Q Okay. Left arm near his hand. Could you show me on your</p> <p>12 arm where you would have applied the taser.</p> <p>13 A (Demonstrating) Approximately in between the elbow and</p> <p>14 the wrist on the left arm.</p> <p>15 Q Okay.</p> <p>16 A It would have been the --</p> <p>17 Q The outer edge of the left arm --</p> <p>18 A Yes.</p> <p>19 Q -- between the forearm and the -- between the elbow and</p> <p>20 the wrist?</p> <p>21 A Yes.</p> <p>22 Q Okay. Did he respond to any of those taser encounters?</p> <p>23 A No.</p> <p>24 Q Did he ever cry out in pain in response to any of those</p> <p>25 taser encounters?</p>	<p style="text-align: right;">Page 157</p> <p>1 A -- going back, you know, when you say, "tase him,"</p> <p>2 drive-stun --</p> <p>3 Q Right. Let me -- let me rephrase.</p> <p>4 A Okay.</p> <p>5 Q Let's try to do it this way. Because, really, I'm not</p> <p>6 trying -- I don't want this to be inaccurate. I'm trying</p> <p>7 to get as accurate a picture as I can. Okay?</p> <p>8 The first application of the drive-stun taser</p> <p>9 technique that you applied between his shoulder blades,</p> <p>10 okay, how long after you had realized you're not going to</p> <p>11 get his right arm out from under him until you tased him</p> <p>12 in that position?</p> <p>13 A Could you repeat it one more time.</p> <p>14 Q Okay. The moment that you realized you weren't going to</p> <p>15 get his right arm out from under him, okay?</p> <p>16 A Yes.</p> <p>17 Q At that moment, when you realized that wasn't going to</p> <p>18 happen, how long did it take before you made that first</p> <p>19 taser application?</p> <p>20 A Approximately three to four seconds.</p> <p>21 Q Okay. And that initial drive-stun between the shoulder</p> <p>22 blades, how long did that application last?</p> <p>23 A One second.</p> <p>24 Q One second. Okay.</p> <p>25 The second application between the shoulder</p>

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<p style="text-align: right;">Page 158</p> <p>1 blades, how long after the first application did that</p> <p>2 occur?</p> <p>3 A Within a matter of maybe a second --</p> <p>4 Q Okay.</p> <p>5 A -- second and-a-half.</p> <p>6 Q So we've got, you're stunning him one second. Stun</p> <p>7 stops. Another second goes by. Stunning him again for a</p> <p>8 second. Stun stops. Correct?</p> <p>9 A Correct.</p> <p>10 Q Each drive-stun was only a second; is that correct?</p> <p>11 A That's incorrect.</p> <p>12 Q Okay. The first drive-stun was one second, correct?</p> <p>13 A Correct.</p> <p>14 Q How long was the second drive-stun?</p> <p>15 A The second drive-stun did not even stun. The gun --</p> <p>16 which I didn't know this, but I found out later that when</p> <p>17 I said I tased him three or four times, I believe it was</p> <p>18 four times, I actually only -- two times that I tased him</p> <p>19 was the first time was for a second and the last time was</p> <p>20 for a second. The two times in between, apparently,</p> <p>21 the taser didn't even work.</p> <p>22 Q How did you find that out?</p> <p>23 A Through the records. I know that the second taser worked</p> <p>24 for a fact because Officer Guest jumped back and said,</p> <p>25 "What the fuck?" It actually went through --</p>	<p style="text-align: right;">Page 160</p> <p>1 effect.</p> <p>2 The fourth one, when I put it right here,</p> <p>3 (Indicating left forearm), the other officer had his arm</p> <p>4 and --</p> <p>5 Q I got you. I misunderstood. I thought --</p> <p>6 A Okay.</p> <p>7 Q I thought you had said that when you applied the taser</p> <p>8 the second time, even though the record said it didn't</p> <p>9 work, that you heard the officer scream out, "What the</p> <p>10 fuck?"</p> <p>11 A No. That's was the fourth time that --</p> <p>12 Q Okay.</p> <p>13 A -- my fourth time --</p> <p>14 Q I got you.</p> <p>15 A -- which, in my head, it was my fourth time that I</p> <p>16 deployed the taser.</p> <p>17 Q I apologize. I misunderstood.</p> <p>18 So you attempted to drive-stun him a second</p> <p>19 time in the back between the shoulder blades?</p> <p>20 A Yes.</p> <p>21 Q Your understanding, from what someone told you of the</p> <p>22 records, is that that didn't work?</p> <p>23 A That's correct.</p> <p>24 Q How long after you tried the second application did you</p> <p>25 try the third application?</p>
<p style="text-align: right;">Page 159</p> <p>1 Q Okay.</p> <p>2 A -- Mr. Merrill's arm when he was trying to get the cuff</p> <p>3 on him. And he jumped back and that's exactly what he</p> <p>4 said was, "What the fuck?"</p> <p>5 Q Okay. So let me slow you down. So we know for a fact</p> <p>6 the first tase worked, the first drive-stun?</p> <p>7 A Yes.</p> <p>8 Q Because the records show that first drive-stun worked?</p> <p>9 A Yes, for one second.</p> <p>10 Q For one second.</p> <p>11 With the second drive-stun, you're saying that</p> <p>12 you saw records that said that that didn't work, correct?</p> <p>13 A The records that I observed or that I was informed with,</p> <p>14 I didn't observe, I was informed that I only had two</p> <p>15 one-second tase -- tasings, drive-stuns. Let's use</p> <p>16 drive-stuns.</p> <p>17 Q Right. Okay. But even though the records say the second</p> <p>18 one wasn't effective, as you applied the second one, you</p> <p>19 heard Officer -- which officer was it cry out?</p> <p>20 A The last one that I tased him with.</p> <p>21 Q Okay. I misunderstood.</p> <p>22 A See, the first one worked.</p> <p>23 Q Yeah. I'm sorry. I misunderstood.</p> <p>24 A The second two didn't work -- or the second and third</p> <p>25 one, which I thought I was drive-stunning him, had no</p>	<p style="text-align: right;">Page 161</p> <p>1 A Second, second and-a-half.</p> <p>2 Q So it was another quick pause, and then another</p> <p>3 drive-stun?</p> <p>4 A Yes.</p> <p>5 Q And you made the application, the taser actually touched</p> <p>6 Bobby Merrill, correct?</p> <p>7 A Yes.</p> <p>8 Q But you're saying that the records show that it didn't</p> <p>9 discharge?</p> <p>10 A It did not discharge any electrical voltage, or whatever</p> <p>11 you want to call that.</p> <p>12 Q Right.</p> <p>13 A Volts or joules, whatever it's called.</p> <p>14 Q Joules.</p> <p>15 A Thank you.</p> <p>16 Q How long after the third attempted application of the</p> <p>17 drive-stun technique did it take before you applied the</p> <p>18 fourth drive-stun technique on the arm?</p> <p>19 A Second and-a-half to two seconds.</p> <p>20 Q So you tried it again for the third time on the back and</p> <p>21 no response, right?</p> <p>22 A No response.</p> <p>23 Q So you then tried it on the portion of the arm that you</p> <p>24 indicated?</p> <p>25 A Yes.</p>

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<p>1 Q And when you tried it on the portion of the arm, Bobby</p> <p>2 Merrill didn't respond?</p> <p>3 A No.</p> <p>4 Q But one of the officers responded?</p> <p>5 A Yes.</p> <p>6 Q And which officer was that again?</p> <p>7 A Officer Guest.</p> <p>8 Q Guest. And Officer Guest cried out?</p> <p>9 A Yes.</p> <p>10 Q Okay. At the time that you were attempting to apply the</p> <p>11 drive-stun technique on Mr. Merrill's left forearm, where</p> <p>12 was Officer Guest?</p> <p>13 A He actually had a hold of his left hand trying to get</p> <p>14 the --</p> <p>15 Q The hand?</p> <p>16 A -- his hand back behind his back so he could get a cuff</p> <p>17 on it.</p> <p>18 Q What was Officer Severs doing at this point?</p> <p>19 A I don't know.</p> <p>20 Q Is he still behind you?</p> <p>21 A He's like behind me to my left, as I recall.</p> <p>22 Q Okay. Do you know what Officer Wietecha is doing at this</p> <p>23 point?</p> <p>24 A I do not recall at this time.</p> <p>25 Q Do you know if anyone else deployed a taser on Bobby</p>	<p>1 Q I'm sorry. I'm --</p> <p>2 A To the best of my recollection, that's how he was taken</p> <p>3 into custody.</p> <p>4 Q I'm sorry. I'm going to have to slow you down again.</p> <p>5 That was a lot of information too quick, and I kind of</p> <p>6 garbled it. I apologize.</p> <p>7 So, all right, the drive-stun doesn't work.</p> <p>8 Officer Guest, you said, was able to get control of the</p> <p>9 left hand?</p> <p>10 A Officers Guest and Wietecha.</p> <p>11 Q How did they get control of the left hand?</p> <p>12 A Through the use of their hands.</p> <p>13 Q They were both able to sort of strong-arm it into</p> <p>14 position?</p> <p>15 A Yes.</p> <p>16 Q Did they do anything else other than attempt to</p> <p>17 physically move his hand or his arm?</p> <p>18 A Place handcuffs on it.</p> <p>19 Q Did either one ever use a baton or some sort of strike to</p> <p>20 try to get him to comply?</p> <p>21 A I don't recall. I don't ever recall observing a baton</p> <p>22 strike or a knee strike.</p> <p>23 Q At this point, as they're both struggling for his left</p> <p>24 arm, where are you?</p> <p>25 A On his right side, up like near his shoulder blade area.</p>
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<p>1 Merrill as you were deploying a taser on Bobby Merrill?</p> <p>2 A I do not recall that.</p> <p>3 Q Is it possible?</p> <p>4 A If they would have deployed it, it would have been a</p> <p>5 drive-stun. It wouldn't have been the darts being</p> <p>6 deployed. It would have been a drive-stun instead of the</p> <p>7 darts being deployed, meaning coming out of the</p> <p>8 cartridge.</p> <p>9 Q But if you can't see Officer Severs, and you're not sure</p> <p>10 what Officer Wietecha is doing, is it possible they could</p> <p>11 have drive-stunned him?</p> <p>12 A No. Because when the taser cartridge is fired, it's a</p> <p>13 (Clapping hands together) pop.</p> <p>14 Q Okay. And you didn't hear a pop?</p> <p>15 A No.</p> <p>16 Q I got you.</p> <p>17 After the drive-stun, the fourth drive-stun on</p> <p>18 Bobby Merrill's left arm didn't work, what happened next?</p> <p>19 A The taser was pretty much nonexistent -- not going to work.</p> <p>20 And at that time, myself and Severs, I believe it was</p> <p>21 Officer Severs, were able to get his right hand, get one</p> <p>22 cuff on it. And then Officers Wietecha and Guest were</p> <p>23 finally able to get his left arm out from under him, it</p> <p>24 was by his side, and ended up managing getting a cuff on</p> <p>25 there, and he was cuffed.</p>	<p>1 Q Okay. What are you focused on once you've realized the</p> <p>2 taser isn't going to work?</p> <p>3 A Looking at his left arm -- or his left hand, because</p> <p>4 that's where I'm going next. Since, boom, boom, no</p> <p>5 effect, I'm going this way with it.</p> <p>6 Q So you're looking at the left hand, and Officer Wietecha</p> <p>7 and Officer Guest are both focused on the left arm as</p> <p>8 well?</p> <p>9 A They are on his left side, yes.</p> <p>10 Q Okay. How long after the drive-stun didn't work until</p> <p>11 they were able to get control of his left arm?</p> <p>12 A Three to four seconds.</p> <p>13 Q At this point, has Bobby Merrill struck any of the</p> <p>14 officers?</p> <p>15 A At this point, I know that Mr. Merrill did not strike me.</p> <p>16 Q Okay. You know he didn't strike you?</p> <p>17 A That's correct.</p> <p>18 Q Did you see him strike anyone else?</p> <p>19 A No.</p> <p>20 Q All right. What happened after Officers Guest and Severs</p> <p>21 were able to get control -- or, I'm sorry, Guest and</p> <p>22 Wietecha were able to get control of the left arm?</p> <p>23 A We were finally -- I'm not sure who assisted me, but we</p> <p>24 were able to get a hold of his right arm and get him into</p> <p>25 handcuffs, and we used two sets of handcuffs at that</p>

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<p>1 point.</p> <p>2 Q Okay. Is he still on his knees, Bobby Merrill?</p> <p>3 A At this point, he would have been I would say more --</p> <p>4 he's flat on the ground now.</p> <p>5 Q He's flat on the ground. So sometime between the last</p> <p>6 drive-stun to his arm and the point when he's in cuffs,</p> <p>7 he ends up flat on the ground?</p> <p>8 A Face down.</p> <p>9 Q Face down. Do you remember how he ended up face down?</p> <p>10 A Knowing when his right arm came out from under him, we</p> <p>11 were able to get that, and then you handcuff his left</p> <p>12 arm. He was no longer on his knees. He was laid out</p> <p>13 flat.</p> <p>14 Q So it was sometime after you were able to get control of</p> <p>15 his right arm, maybe simultaneously, he went down?</p> <p>16 A Yes.</p> <p>17 Q Okay.</p> <p>18 A That would be an accurate statement on your behalf,</p> <p>19 maybe -- not maybe, but it was simultaneously after we</p> <p>20 come around and --</p> <p>21 Q Because all this is kind of happening at once, right?</p> <p>22 A Yes.</p> <p>23 Q All right. As you get him cuffed, you said you had to</p> <p>24 use two sets of cuffs. Where is the first set of cuffs</p> <p>25 applied?</p>	<p>1 act of cuffing of the wrists is going on, have you</p> <p>2 stricken Bobby Merrill with anything?</p> <p>3 MR. REISING: I'm sorry. I missed that</p> <p>4 question.</p> <p>5 Q (BY MR. BRUNETTI) After he was cuffed, okay, so after</p> <p>6 you've got the cuffs, one on each hand, and then the sets</p> <p>7 interlinked, so he's cuffed with that 12 to 15 inches of</p> <p>8 space behind his back, as that's happening, as he's</p> <p>9 finally cuffed, is he struck with anything by you or by</p> <p>10 any of the other officers?</p> <p>11 A No, not to my knowledge. He was not struck by me, and I</p> <p>12 did not observe any other officers strike him.</p> <p>13 Q Okay. What happened after you got him cuffed?</p> <p>14 A After he was handcuffed, obviously, we all stood up. We</p> <p>15 got off -- up off the ground. Stood up. Took a look at</p> <p>16 the situation. Look at what's going on around you, your</p> <p>17 senses.</p> <p>18 You're going to be looking around because,</p> <p>19 obviously, there's traffic that's flowing through there,</p> <p>20 traffic that's stopped. You've got onlookers. Take a</p> <p>21 look at the situation.</p> <p>22 At that point, we knew that based on -- within</p> <p>23 a matter of seconds after talking with the other -- with</p> <p>24 Officer Severs, basically, it was my judgment that we</p> <p>25 were going to have an ambulance come to the scene right</p>
Page 167	Page 169
<p>1 A Behind his back.</p> <p>2 Q Are they on one wrist?</p> <p>3 A One to each wrist.</p> <p>4 Q Okay. One from the same set of cuffs or one from a</p> <p>5 different set of cuffs?</p> <p>6 A One from different sets.</p> <p>7 Q Okay.</p> <p>8 A He's a big man.</p> <p>9 Q Okay. Where was the other set of each cuff -- or where</p> <p>10 was the other cuff from each set applied?</p> <p>11 A Interlinked with the other one. So you had one cuff from</p> <p>12 one set on his right arm, one cuff from the other set on</p> <p>13 the left arm. And then the two cuffs that come off of</p> <p>14 each arm, those two were interlinked together.</p> <p>15 Q Okay. And his arms were behind his back at this point?</p> <p>16 A Yes.</p> <p>17 Q About how much distance separated his left hand from his</p> <p>18 right hand?</p> <p>19 A Well, I'll say a set of cuffs are what? Probably 12</p> <p>20 inches, 13 inches?</p> <p>21 Q So he had about a foot of space --</p> <p>22 A Yes.</p> <p>23 Q -- between each hand?</p> <p>24 A I'd say 12 to 15 inches of space.</p> <p>25 Q Okay. At any point while this is going on, as the final</p>	<p>1 away. So we called for the Mobile Medical Response Unit,</p> <p>2 Saginaw County's ambulance service.</p> <p>3 After that, I went over by Mr. Merrill, and he</p> <p>4 proceeded to sweep his feet back and forth in a kicking</p> <p>5 motion, trying to kick me off my feet.</p> <p>6 Q Okay. I'm going to slow you down.</p> <p>7 After you got him cuffed in his wrists, by his</p> <p>8 wrists, was there a period where he was just lying there</p> <p>9 on the ground?</p> <p>10 A (Nodding head affirmatively) Lying on his side.</p> <p>11 Q Okay. So after you got him cuffed, and you said that</p> <p>12 after he was -- as he was being cuffed, he's lying face</p> <p>13 down on the cement, right?</p> <p>14 A Yes.</p> <p>15 Q So after he's cuffed, he ends up on his side?</p> <p>16 A Yeah, he's on his side.</p> <p>17 Q Okay. And what side is he on; his right or his left?</p> <p>18 A He is on his -- he's on his left side.</p> <p>19 Q Okay. Is he saying anything at this point?</p> <p>20 A Oh, yeah.</p> <p>21 Q What's he saying?</p> <p>22 A Swearing. Swearing up a storm.</p> <p>23 Q All right. Is he coherent?</p> <p>24 A Yes.</p> <p>25 Q And did you get a chance to look at his eyes?</p>

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<p style="text-align: right;">Page 170</p> <p>1 A I looked at his face. Can't say that his eyes -- that I 2 recall anything specific about his eyes at this time. 3 Q Could you notice anything about him after you had a 4 chance to sort of step back and take a look at him? 5 A No. Because the -- no, I couldn't. I didn't. 6 Q Okay. How did it end up that he wound up on his left 7 side? 8 A I recall after he was on the ground, we stood up. He 9 rolled over onto his left side. We didn't -- I didn't 10 pick him up. I don't know if another officer did, but I 11 don't recall anyone picking him up at that point, at that 12 particular point. 13 Q Okay. Had the situation de-escalated at that point for 14 even a moment? 15 A Briefly. 16 Q All right. So as you're looking around you, what else 17 did you see around you at this time? 18 A Cars. Traffic backed up. There was a couple people on 19 the -- it would be the southeast corner that were there 20 when we were attempting to take him into custody. 21 Q Okay. How many -- were their cars in both directions -- 22 A Yes. 23 Q -- on Washington? 24 A Yes. 25 Q That were stopped? Were they stopped in both directions?</p>	<p style="text-align: right;">Page 172</p> <p>1 moment? 2 A I went over there. I obviously was going to go and -- I 3 actually was going to stand the guy up. But when I went 4 over there, he started flailing and kicking his legs 5 trying to kick me off -- off of -- knock me off my feet. 6 So, at that point, I don't recall who the other 7 officer was, but there was another officer that he was 8 kicking at. I said, well, I'll go over there and 9 attempted to secure his legs by sitting on them -- on his 10 legs. When I did so -- 11 Q Whose idea was it to sit on his legs? 12 A Mine. 13 Q Your idea? 14 A Yes. 15 Q Okay. And when you attempted to sit on his legs, was he 16 still on his side, or was he on his stomach, or was he -- 17 A No. 18 Q -- on his back? 19 A Still on his side. 20 Q Still on his side? 21 A (Nodding head affirmatively) 22 Q Okay. So you -- explain how you effected sitting on his 23 legs. 24 A I tried to use my weight to subdue his legs from moving 25 back and forth. It had no -- it didn't have any desired</p>
<p style="text-align: right;">Page 171</p> <p>1 A Yes. 2 Q At the point where Bobby Merrill is cuffed, where is he? 3 Is he in the street? Is he on the sidewalk? Is he on 4 the grass? 5 A Right in the middle of the roadway. 6 Q Right in the middle of the roadway? 7 A Yes. 8 Q Was he in the middle of the intersection, or is he back 9 from the intersection? 10 A He'd have been to the north of the intersection, 11 approximately 10 to 15 feet north. 12 Q Okay. How many cars did you see stopped? 13 A Several. We're talking backed up both directions. 14 Q Do you have an approximate of how many cars you saw? Was 15 it only a handful, like two or three -- 16 A Oh, no. 17 Q -- or was it something -- 18 A We're talking -- 19 Q -- like seven, eight, nine? 20 A -- multiple as in 30 to 40 cars in both directions. 21 Q Did you speak to any of the drivers in those cars? 22 A I did not. 23 Q Okay. So you testified that Merrill's on his left side? 24 A Yes. 25 Q What happens after the situation had de-escalated for a</p>	<p style="text-align: right;">Page 173</p> <p>1 effect. 2 Q When you say "sit," I mean, did you sort of kneel on his 3 legs, or did you sit on his legs with your butt? What 4 did you do? 5 A No, I just kind of like kneeled, like, you know, to put 6 some weight onto his legs to prevent them from kicking 7 and -- 8 Q At the time that you kneeled on his legs, was he still on 9 his side, or had his position shifted? 10 A No, he was still on the side. 11 Q Okay. And you said that kneeling on his legs didn't 12 provide any effect? 13 A Desired effect, no. 14 Q What happened after that? 15 A He actually grabbed a hold of my taser. 16 Q At this point, his hands are behind his back? 17 A Yeah. And he actually grabbed a hold of my taser that I 18 had put back into my holster. 19 Q Your holster's on your left side? 20 A Yeah. Right here. 21 Q Okay. And he's laying on his left side? 22 A Yes. 23 Q What hand did he use to grab your taser? 24 A Actually, he was using -- trying to use both hands. 25 Q Trying to use both hands?</p>

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<p style="text-align: right;">Page 174</p> <p>1 A Yeah.</p> <p>2 Q Okay. And did he -- was he able to grab your taser?</p> <p>3 A He touched my taser and had a hold of it.</p> <p>4 Q What happened at that point?</p> <p>5 A I obviously moved away from his position so he couldn't grab my taser again.</p> <p>6 Q Your taser and the holster that it's in, is it secured or is it sort of loose sitting in the holster?</p> <p>7 A No, it has a strap that you push forward, and you just pull it out.</p> <p>8 Q So it's secured with a strap, but I imagine you can pull it out even though there's a strap there?</p> <p>9 A Yes.</p> <p>10 Q Okay. What happened after you moved away?</p> <p>11 A I moved away. And by this time, one of his shoes was off.</p> <p>12 Q Do you know how his shoe came off?</p> <p>13 A When he was kicking and flailing back and forth.</p> <p>14 Q So are you saying it fell off?</p> <p>15 A Yeah. He didn't have them tied. He just had them --</p> <p>16 Q Slipped on?</p> <p>17 A Yes.</p> <p>18 Q You didn't physically take his shoe off?</p> <p>19 A No.</p> <p>20 Q Did any of the other officers physically take his shoe</p>	<p style="text-align: right;">Page 176</p> <p>1 Q So you were able to tie them, but it just didn't have the desired effect?</p> <p>2 A How do you want to -- because of his moving around, he's moving around, still trying to kick, it was almost impossible to actually get the shoelace to a point where I would consider it tied and secure.</p> <p>3 Q Right.</p> <p>4 A With the movement, it was almost impossible -- it was impossible. They weren't -- his ankles weren't secure.</p> <p>5 Q Okay. And that's what I'm getting at. The point is, you were actually able to tie the shoelaces, but you couldn't tie them in a manner, again, that secured him with the desired level of effect? I'm just trying to get -- were you actually able to tie the laces?</p> <p>6 A You know when you go to tie the knot -- tie a knot, and you get the first --</p> <p>7 Q Yeah.</p> <p>8 A -- but you can't get the second part of the knot to secure the knot and cinch it.</p> <p>9 Q Yeah.</p> <p>10 A I could not get the second part of the knot to tie and cinch it.</p> <p>11 Q So you were able to get the first part of the knot in?</p> <p>12 A Yes.</p> <p>13 Q Not the second part?</p>
<p style="text-align: right;">Page 175</p> <p>1 off?</p> <p>2 A No.</p> <p>3 Q Okay. What happened next?</p> <p>4 A I removed one of the shoelaces in an attempt to secure his legs so he would stop kicking and flailing.</p> <p>5 Q You took one of the shoelaces from his shoe?</p> <p>6 A Yep, removed it. Yes, I removed it.</p> <p>7 Q And you attempted to secure his legs?</p> <p>8 A Yes.</p> <p>9 Q What part of his legs did you attempt to secure with the shoelaces?</p> <p>10 A I attempted to secure his ankles.</p> <p>11 Q Were you actually able to get the shoelaces around his ankles?</p> <p>12 A Yes.</p> <p>13 Q Were you actually able to tie his ankles with the shoelaces?</p> <p>14 A No.</p> <p>15 Q What happened?</p> <p>16 A I was unable to get the shoelaces secured, securely tied around his ankles.</p> <p>17 Q Now, when you say you were unable to get them securely tied, were you unable to tie them, or were you unable to tie them in a manner that was secure?</p> <p>18 A I was unable to tie them in a manner that was secure.</p>	<p style="text-align: right;">Page 177</p> <p>1 A Yes.</p> <p>2 Q All right. The using the shoelaces, was that an improvised technique, or was that something you'd been taught?</p> <p>3 A It was improvised.</p> <p>4 Q You saw that he was flailing and you just thought that that was the best way to do it, to stop him from flailing?</p> <p>5 A To secure him.</p> <p>6 Q I'm sorry, to secure him?</p> <p>7 A Yes.</p> <p>8 Q Okay. What happened -- at the point that you're trying to secure his ankles with the shoelaces, what are the other officers doing? Is anyone helping you?</p> <p>9 A Actually, Officer Severs, when we couldn't get the ankles tied, he had informed me that he had a rope in his vehicle. Actually, called it a restraint of some type.</p> <p>10 I don't --</p> <p>11 Q Okay. The rope that he had, was that something that's police department issued, or was that like a personal item?</p> <p>12 A It was a personal item.</p> <p>13 Q Okay. All the vehicles that the officers arrived on scene in, were those all marked police cruisers?</p> <p>14 A Yes.</p>

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<p style="text-align: right;">Page 178</p> <p>1 Q All of the officers on the scene, were they wearing some</p> <p>2 form of uniform?</p> <p>3 A Yes.</p> <p>4 Q Did each of them have a badge?</p> <p>5 A I don't recall if they all had a badge -- if they each</p> <p>6 had a badge.</p> <p>7 Q But were they all wearing uniforms that identified them</p> <p>8 as police officers?</p> <p>9 A Yes.</p> <p>10 Q Okay. So you said that Officer Severs said that he had a</p> <p>11 rope?</p> <p>12 A Yes.</p> <p>13 Q And this was a personal rope?</p> <p>14 A He said he had a rope in his vehicle.</p> <p>15 Q Okay. He had a rope in his vehicle. Is it something</p> <p>16 that you'd seen issued by the police department before?</p> <p>17 A No.</p> <p>18 Q Okay. Did he go and get that rope?</p> <p>19 A Yes.</p> <p>20 Q What did you do while he went and got the rope?</p> <p>21 A Stayed with Mr. Merrill.</p> <p>22 Q And what were you doing with Mr. Merrill?</p> <p>23 A At that point, just making sure that he wasn't kicking</p> <p>24 and flailing his feet --</p> <p>25 Q So were you --</p>	<p style="text-align: right;">Page 180</p> <p>1 A It was approximately four-foot long.</p> <p>2 Q What color was it?</p> <p>3 A It's multicolored.</p> <p>4 Q Do you know what it was made out of?</p> <p>5 A Nylon.</p> <p>6 Q Nylon?</p> <p>7 A It appeared to be nylon.</p> <p>8 Q About how thick was it?</p> <p>9 A Maybe a half an inch in diameter.</p> <p>10 Q Okay. And you said that you used that to restrain his</p> <p>11 ankles?</p> <p>12 A Yes.</p> <p>13 Q Can you remember the manner in which you tied it? Did</p> <p>14 you use a specific kind of knot?</p> <p>15 A No, there's no knot. It's a slip.</p> <p>16 Q I got you. It's a slip, yeah. So, like you said, you</p> <p>17 put one end through the other end and just sort of pinch</p> <p>18 it --</p> <p>19 A Yes.</p> <p>20 Q -- closed? Once it's pinched closed, how did you secure</p> <p>21 it?</p> <p>22 A At the other end.</p> <p>23 MR. REISING: Don't draw on that one.</p> <p>24 MR. BRUNETTI: Yeah. I'm sorry.</p> <p>25 THE WITNESS: Do you have another piece of</p>
<p style="text-align: right;">Page 179</p> <p>1 A -- trying to hold his feet down, still applying pressure</p> <p>2 with my body.</p> <p>3 Q So you're still trying to hold his legs together?</p> <p>4 A But I had moved further down by his ankles so he couldn't</p> <p>5 grab any more -- anything on my gun belt.</p> <p>6 Q Right.</p> <p>7 Did Severs return with the rope?</p> <p>8 A Yes.</p> <p>9 Q What happened after he returned with the rope?</p> <p>10 A When Officer Severs returned with the rope, I know that</p> <p>11 I -- I don't know if -- I can't say for sure if Officer</p> <p>12 Severs assisted me placing the rope around his ankles,</p> <p>13 but I know that I did my part in that and placed the rope</p> <p>14 around his ankles. We then -- you know, the rope is a --</p> <p>15 basically, what it is, it's a dog leash is what it is.</p> <p>16 And it has a small looped end with a larger looped end.</p> <p>17 And we obviously looped it around his legs.</p> <p>18 Grabbed a third set of handcuffs. Put the one end of the</p> <p>19 handcuffs to the rope. Put the other end of the</p> <p>20 handcuffs to the handcuffs that Mr. Merrill was currently</p> <p>21 wearing.</p> <p>22 Q Okay. Getting back to the rope, you said it was a dog</p> <p>23 leash?</p> <p>24 A It's a dog leash.</p> <p>25 Q Okay. How long was it?</p>	<p style="text-align: right;">Page 181</p> <p>1 paper?</p> <p>2 Q (BY MR. BRUNETTI) Yeah, I do. There you go.</p> <p>3 A Okay. It has a larger loop and a smaller loop.</p> <p>4 Q Right.</p> <p>5 A Okay? I'm not a -- I'm not a very good drawer, but you</p> <p>6 put the smaller loop through the larger loop --</p> <p>7 Q Yes.</p> <p>8 A -- which then makes -- I'll draw this -- which makes the</p> <p>9 loop.</p> <p>10 Q Right.</p> <p>11 A Then from there, this loop, this was where --</p> <p>12 Q His ankles were?</p> <p>13 A Okay.</p> <p>14 Q And as you tighten it, it pinches closed.</p> <p>15 A And then this secured to the handcuffs. Does that make</p> <p>16 sense?</p> <p>17 Q It does. I'm going to ask you a few questions about it.</p> <p>18 A Okay.</p> <p>19 Q So, again, the manner by which the ankles are secured is</p> <p>20 you would pull on this line, and then this would slide</p> <p>21 down, eventually tighten and secure, right?</p> <p>22 A Yes.</p> <p>23 Q Okay. Now, did you do any extra sort of tying to make</p> <p>24 sure it stayed secured so that this wouldn't just slide</p> <p>25 back up and create space for the ankles?</p>

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<p style="text-align: right;">Page 182</p> <p>1 A No, I did not.</p> <p>2 Q Okay. So you sort of hand-tightened it by pulling the</p> <p>3 end of the leash, right, to make this part secure with</p> <p>4 the ankles?</p> <p>5 A Yes.</p> <p>6 Q And then you're saying you took this small end of the</p> <p>7 lead, and then you attached that to the handcuffs?</p> <p>8 A Yes.</p> <p>9 Q So, at this point, is Bobby Merrill still laying on the</p> <p>10 ground when you first start to secure his ankles with the</p> <p>11 rope?</p> <p>12 A Yes.</p> <p>13 Q When you tighten the rope to secure his ankles, is he</p> <p>14 still lying on the ground?</p> <p>15 A He's actually -- No, he's -- once he's secured?</p> <p>16 Q Yes.</p> <p>17 A He's actually --</p> <p>18 Q But not -- let me rephrase that.</p> <p>19 Not at the point where the cuffs are attached,</p> <p>20 but as you're tightening it, he's still on the ground,</p> <p>21 correct?</p> <p>22 A He's actually -- Yes.</p> <p>23 Q Is he sitting or is he laying?</p> <p>24 A He's still on his left side.</p> <p>25 Q He's still on his left side?</p>	<p style="text-align: right;">Page 184</p> <p>1 rolled over onto his buttocks and actually was kind of</p> <p>2 sitting up. He was sitting up. Do you want me to go on</p> <p>3 more with --</p> <p>4 Q Yes.</p> <p>5 A -- what I observed.</p> <p>6 Q Yes.</p> <p>7 A Just to the side of him I observed a crack pipe and a</p> <p>8 lighter.</p> <p>9 Q Is this on the street?</p> <p>10 A Right where we took -- excuse me -- right where he was</p> <p>11 taken into custody, right when he rolled over onto</p> <p>12 his buttocks, I see the crack pipe and a lighter. And I</p> <p>13 recognized the crack pipe because I worked narcotics for</p> <p>14 almost ten years. So I'm familiar with what a crack pipe</p> <p>15 looks like.</p> <p>16 Q Okay.</p> <p>17 A I've actually used them as props when I've done</p> <p>18 undercover work.</p> <p>19 So, I said to Bobby, I said, "Man, how much</p> <p>20 crack did you smoke today?"</p> <p>21 MR. REISING: Excuse me. Did you say what side</p> <p>22 it was on you saw the crack pipe and lighter?</p> <p>23 Q (BY MR. BRUNETTI) Yeah. Specify. What side was the</p> <p>24 crack pipe and lighter?</p> <p>25 A It would have been on Bobby's right side --</p>
<p style="text-align: right;">Page 183</p> <p>1 A Yes.</p> <p>2 Q Okay. At this point, before we talk about securing the</p> <p>3 rope with the handcuffs, is he still handcuffed behind</p> <p>4 his back with two sets of cuffs?</p> <p>5 A Yes.</p> <p>6 Q All right. So then the rope is completely tight around</p> <p>7 his ankles, he's secured with two sets of cuffs. Do you</p> <p>8 take a third set of cuffs to attach to this?</p> <p>9 A Yes. This third -- this is the third set of cuffs right</p> <p>10 here --</p> <p>11 Q Okay.</p> <p>12 A -- that you see.</p> <p>13 Q So you didn't take one of the sets that was already on</p> <p>14 him and pinch his arms closer together? He still had two</p> <p>15 sets giving him 12 to 15 inches of space for his hands?</p> <p>16 A That's correct.</p> <p>17 Q And the third set of cuffs was attached to that chain of</p> <p>18 cuffs and then attached to this rope?</p> <p>19 A Yes.</p> <p>20 Q How much space was there from his wrists to his ankles</p> <p>21 once everything was attached?</p> <p>22 A Enough that he could stand up.</p> <p>23 Q All right. Before I get to him standing up, once he was</p> <p>24 secured in this fashion, what happened after that?</p> <p>25 A Once he was secured in that fashion, he's all secure, he</p>	<p style="text-align: right;">Page 185</p> <p>1 MR. REISING: Thank you.</p> <p>2 Q (BY MR. BRUNETTI) Okay.</p> <p>3 A -- as he's facing me.</p> <p>4 So at that point, I asked him, I said, "How</p> <p>5 much crack did you smoke today?" And Mr. Merrill replied</p> <p>6 he'd smoked 20 rocks of crack cocaine.</p> <p>7 Q Could you understand him clearly?</p> <p>8 A Yes.</p> <p>9 Q Is that specifically what he said, "I smoked 20 rocks of</p> <p>10 crack cocaine"?</p> <p>11 A Yes.</p> <p>12 Q He said it just like that?</p> <p>13 A Just like that.</p> <p>14 Q Okay. What was your response?</p> <p>15 A I said, basically, "Holy shit. You're lucky you're still</p> <p>16 alive."</p> <p>17 Q Did he appear to be under the influence at that point?</p> <p>18 A He appeared to me to be under the influence of something</p> <p>19 based on his actions that he had taken with taking him</p> <p>20 into custody. So, yes --</p> <p>21 Q When did --</p> <p>22 A -- to me.</p> <p>23 Q When did you realize that he was under the influence of</p> <p>24 something?</p> <p>25 A When I exited my patrol vehicle and attempted to -- we</p>

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<p>1 A No.</p> <p>2 Q -- did any kind of strike?</p> <p>3 As you were getting the second -- binding his</p> <p>4 ankles together, did anyone ever deploy a taser after</p> <p>5 that?</p> <p>6 A No.</p> <p>7 Q So as far as you know, the last time a taser was deployed</p> <p>8 was when you got him on the left arm?</p> <p>9 A That's correct.</p> <p>10 Q Okay. All right. So, how long after Bobby was</p> <p>11 restrained did it take for the ambulance to get there?</p> <p>12 A Two to three minutes.</p> <p>13 Q All right. At some point, was Bobby ever placed in a</p> <p>14 patrol car?</p> <p>15 A Yes.</p> <p>16 Q All right. How long after he was restrained was he</p> <p>17 placed in a patrol car?</p> <p>18 A Thirty seconds after he was -- secured legs, he made the</p> <p>19 statement to me about smoking the crack.</p> <p>20 Q Joked for a second?</p> <p>21 A Yeah, joked for a second. And that's when I looked at</p> <p>22 traffic and said, "We've got to get this traffic out of</p> <p>23 here. We've got to get these people moving."</p> <p>24 Q How did Bobby Merrill get from the street to the patrol</p> <p>25 car?</p>	<p>1 A Yes.</p> <p>2 Q Okay. So you're saying that even though there was no</p> <p>3 slack, he could have moved forward under his own power?</p> <p>4 A Yes.</p> <p>5 Q Okay. Did he tell you why he wasn't going to walk?</p> <p>6 A No.</p> <p>7 Q Did you ask him to walk?</p> <p>8 A Yes.</p> <p>9 Q Did any of the other officers ask him to walk?</p> <p>10 A No.</p> <p>11 Q You're the only officer that asked him to walk?</p> <p>12 A I asked him, "You can either do this like a man, or you</p> <p>13 can do it like a punk." His response was, "I'm gonna do</p> <p>14 it like a punk."</p> <p>15 Q You told him, "You can do this like a man, or you can do</p> <p>16 it like a punk"?</p> <p>17 A Yes.</p> <p>18 Q You didn't say, "Come on, just walk to the car"?</p> <p>19 A Nope.</p> <p>20 Q You didn't say, "You're only making stuff worse. Why</p> <p>21 don't you just walk to the car"?</p> <p>22 A No.</p> <p>23 Q And you were just joking with him 30 seconds ago, right?</p> <p>24 A That's correct.</p> <p>25 Q After that exchange, interaction, how was he actually</p>
Page 191	Page 193
<p>1 A We stood him up. He could have walked. He refused to</p> <p>2 walk. And he had to be carried by three of us to the</p> <p>3 patrol vehicle.</p> <p>4 Q Just before he stood up, he was joking with you guys you</p> <p>5 said, right?</p> <p>6 A Yes.</p> <p>7 Q When he stood up, was he able to stand up straight, or</p> <p>8 was he hunched at all because of the bindings?</p> <p>9 A I recall that he was standing up straight.</p> <p>10 Q So his back wasn't being pulled down toward his ankles?</p> <p>11 He wasn't arched?</p> <p>12 A Well, I take it an arch would be going back like this?</p> <p>13 Q Yes.</p> <p>14 A No, he wasn't arched backwards.</p> <p>15 Q The manner in which he was secured, he was still secured</p> <p>16 behind his back, correct?</p> <p>17 A Yes.</p> <p>18 Q How much slack was there between the rope on his ankles</p> <p>19 when he was standing and the cuffs on his wrists?</p> <p>20 A I don't recall any slack.</p> <p>21 Q You don't recall any slack?</p> <p>22 A No.</p> <p>23 Q So you've got a guy bound behind his back with rope</p> <p>24 attached to his ankles, there's no slack, and you're</p> <p>25 saying he would have been able to walk?</p>	<p>1 carried?</p> <p>2 A We carried him -- how do I -- we had him, you know, like</p> <p>3 a sports injury where somebody injures their leg, and you</p> <p>4 have -- we just picked -- to the car, we probably had</p> <p>5 about ten foot to go. And the three of us carried him.</p> <p>6 One of the officers went around to the far side to open</p> <p>7 the door because he was refusing to have a seat in the</p> <p>8 car.</p> <p>9 I guess you'd have to demonstrate the carry</p> <p>10 that I think that you're looking for. If I have a</p> <p>11 shoulder --</p> <p>12 Q Well, I was going to say, I don't think all you guys want</p> <p>13 to try to carry me --</p> <p>14 A No, but if --</p> <p>15 Q -- to show me the way that he was carried.</p> <p>16 A -- if I had a shoulder --</p> <p>17 Q Okay.</p> <p>18 A -- another officer had a shoulder, you have a third</p> <p>19 officer that's walking behind him.</p> <p>20 Q Okay. So each officer -- you and another guy each have a</p> <p>21 shoulder?</p> <p>22 A Yes.</p> <p>23 Q And another guy has the leg?</p> <p>24 A Yes.</p> <p>25 Q And you just sort of -- did you tip him and pick him up?</p>

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<p style="text-align: right;">Page 194</p> <p>1 Is that how it happened?</p> <p>2 A No, we didn't tip him. We just -- he was just standing</p> <p>3 up.</p> <p>4 Q Right. He's standing up.</p> <p>5 A And then he --</p> <p>6 Q But you had to get him --</p> <p>7 A -- he actually stood up, but he refused to walk.</p> <p>8 Q Right. But you've got to get him horizontal?</p> <p>9 A So he stood up and one guy's got one shoulder, one guy's</p> <p>10 got the other shoulder.</p> <p>11 Q Okay. I've got -- so you sort of dragged him? You</p> <p>12 didn't pick him up and carry him like a table? You sort</p> <p>13 of --</p> <p>14 A No. No, not like a table. No.</p> <p>15 Q I'm saying, so you've got each guy with a shoulder and</p> <p>16 another guy carrying the legs. The guy with the legs, is</p> <p>17 he carrying Bobby Merrill's legs kind of close to the</p> <p>18 ground or are they picked up?</p> <p>19 A No. He's like behind him, like with his pants, holding</p> <p>20 onto his pants to get him into the vehicle --</p> <p>21 Q Okay.</p> <p>22 A -- to walk him to the vehicle.</p> <p>23 Q The guy holding onto his pants, is he holding onto his</p> <p>24 pants down by the -- by the -- like the leg openings, or</p> <p>25 is it up by the belt loops?</p>	<p style="text-align: right;">Page 196</p> <p>1 A Sorry. He's on his right side.</p> <p>2 Q Pardon me. We've been here a while. I know.</p> <p>3 So he's laying on his right side facing the</p> <p>4 front of the vehicle?</p> <p>5 A Yes.</p> <p>6 Q Is he still secured with his hands behind his back?</p> <p>7 A Yes.</p> <p>8 Q Is the rope still tied to his ankles?</p> <p>9 A Yes.</p> <p>10 Q All right. Are his ankles pulled behind him at all as</p> <p>11 he's laying there?</p> <p>12 A No. No.</p> <p>13 Q Is his body straight?</p> <p>14 A It's kind of like -- like a semi-L.</p> <p>15 Q When you say a semi-L, what do you mean?</p> <p>16 A If I'm laying on my right side --</p> <p>17 Q Mm-hmm. With your hands behind your back?</p> <p>18 A -- with my hands behind my back. He's like this.</p> <p>19 Q So --</p> <p>20 A Ankles are behind him. His knees would have been tucked</p> <p>21 in somewhat towards his --</p> <p>22 Q So his knees were tucked toward his abdomen?</p> <p>23 A Yes.</p> <p>24 Q All right. Did he say anything as you were getting him</p> <p>25 in the car?</p>
<p style="text-align: right;">Page 195</p> <p>1 A Not, the belt loops.</p> <p>2 Q Okay. So he's got him --</p> <p>3 A The waistline.</p> <p>4 Q He's got him by the waistline. And you guys put him into</p> <p>5 the car. Whose cruiser did you put him in?</p> <p>6 A I don't know whose cruiser it was.</p> <p>7 Q Was it yours?</p> <p>8 A No.</p> <p>9 Q Was it the back that you put him in?</p> <p>10 A Yes.</p> <p>11 Q Did you put him in head first?</p> <p>12 A Yes.</p> <p>13 Q All right. When you put him into the cruiser, how was he</p> <p>14 positioned in the cruiser?</p> <p>15 A His head would have been to the passenger side of the</p> <p>16 vehicle. He was on his left side facing the front of the</p> <p>17 vehicle.</p> <p>18 Q If his head was toward the passenger side of the vehicle,</p> <p>19 and he's on his left side, he's probably facing the back</p> <p>20 of the back seat --</p> <p>21 A No.</p> <p>22 Q -- as opposed to --</p> <p>23 A If I'm in the vehicle -- Oh, I'm sorry. You're right.</p> <p>24 It's his right. I'm sorry.</p> <p>25 Q Okay. Okay. So he's laying --</p>	<p style="text-align: right;">Page 197</p> <p>1 A I don't recall him saying anything.</p> <p>2 Q Did you say anything to him as you got him in the car?</p> <p>3 A No.</p> <p>4 Q Did any of the other officers say anything to him as you</p> <p>5 got him in the car?</p> <p>6 A I don't recall them saying anything.</p> <p>7 Q Okay. After you got him in the car, did you shut the</p> <p>8 door through which he entered?</p> <p>9 A I don't recall who shut the door.</p> <p>10 Q But was the door shut?</p> <p>11 A Yes.</p> <p>12 Q After he was in the car, what happened? Did you stay by</p> <p>13 the car, or did you walk away?</p> <p>14 A No. The car -- I started to get the traffic moving</p> <p>15 because the other vehicles -- told the other officers,</p> <p>16 "Let's get the vehicles out of the road so we can get</p> <p>17 traffic moving."</p> <p>18 Q So you walked away from the car at that point?</p> <p>19 A Yes.</p> <p>20 Q Did any of the other officers stay with the car that you</p> <p>21 just placed Bobby Merrill into?</p> <p>22 A Yes.</p> <p>23 Q Who?</p> <p>24 A Officer Wietecha ended up in that vehicle.</p> <p>25 Q He didn't leave? He stayed with the vehicle?</p>

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<p>1 A Yes, he was with the vehicle at that point.</p> <p>2 Q Was he inside the vehicle or out of the vehicle?</p> <p>3 A He was inside the vehicle. We actually moved that</p> <p>4 vehicle onto Gilmore.</p> <p>5 Q So after Bobby Merrill was placed into the vehicle, the</p> <p>6 vehicle was moved?</p> <p>7 A Immediately afterwards, yes.</p> <p>8 Q To get it out of traffic, I bet, right?</p> <p>9 A Yes.</p> <p>10 Q Okay. Were the other cruisers moved?</p> <p>11 A Yes.</p> <p>12 Q Did you or any of the officers who were there question</p> <p>13 any of the cars that were stuck before you -- any of the</p> <p>14 people in the cars that were stuck before you waved them</p> <p>15 on?</p> <p>16 A I personally did not. However, I know that -- I don't</p> <p>17 recall what officers, they were talking to whom -- the</p> <p>18 people that I would assume would have been drivers or</p> <p>19 witnesses, but I didn't.</p> <p>20 Q You didn't?</p> <p>21 A No.</p> <p>22 Q Do you know for a fact that other officers did?</p> <p>23 A Yes.</p> <p>24 Q Do you know which officers did?</p> <p>25 A I don't know the -- I don't know who they were.</p>	<p>1 Q Okay.</p> <p>2 A How about I put "Southwest corner witnesses." Then the</p> <p>3 "Northeast corner witnesses."</p> <p>4 Q That's fine. Anywhere else?</p> <p>5 A That I recall, just those two locations.</p> <p>6 Q Did you speak to any of those people?</p> <p>7 A No.</p> <p>8 Q Do you know if any of the other officers spoke to any of</p> <p>9 those people?</p> <p>10 A I do not.</p> <p>11 Q Okay. How long after the car was moved with Bobby</p> <p>12 Merrill in it until your attention was directed back to</p> <p>13 that car?</p> <p>14 A Two and-a-half minutes, three minutes.</p> <p>15 Q All right. And then --</p> <p>16 A Two and-a-half.</p> <p>17 Q At that point, you're trying to get cars moving?</p> <p>18 A Actually, the other officers kept the traffic moving. I</p> <p>19 had to pick up some of the spent taser cartridges, get</p> <p>20 them out of the roadway, wrap up the wire, which just</p> <p>21 wrap it up and --</p> <p>22 Q Okay. What did you do with those spent taser cartridges</p> <p>23 and wire once you picked them up?</p> <p>24 A Placed them on the trunk of the vehicle that Mr. Merrill</p> <p>25 was in, on top of the trunk.</p>
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<p>1 Q At the time -- at this point, after everything's happened</p> <p>2 and Bobby Merrill's restrained and you moved the cars,</p> <p>3 are you, Officer Severs, Officer Wietecha and Officer</p> <p>4 Guest the only officers on the scene?</p> <p>5 A At that point, once the vehicles are moved?</p> <p>6 Q Yes. Once you've --</p> <p>7 A To the best of my knowledge, we are the only officers on</p> <p>8 the scene at that time.</p> <p>9 Q Okay.</p> <p>10 A That's what I recall, just the four of us being there.</p> <p>11 Q In addition to the vehicles that were stopped that are</p> <p>12 now starting to move, are there any other people who are</p> <p>13 standing around?</p> <p>14 A Yes.</p> <p>15 Q Where are they standing?</p> <p>16 A On the southwest corner of Gilmore and Washington.</p> <p>17 Q Would you put a "W" on the southwest corner of that</p> <p>18 drawing for "Witnesses."</p> <p>19 A (Witness complying)</p> <p>20 Q Are there witnesses standing anywhere else?</p> <p>21 A Yes.</p> <p>22 Q Where?</p> <p>23 A On the northeast corner.</p> <p>24 Q Would you put another "W" there?</p> <p>25 A (Witness complying)</p>	<p>1 Q And what did you do after you placed them on the trunk?</p> <p>2 A Mobile Medical Response pulled on scene.</p> <p>3 Q Is this before or after you knew that there was an issue</p> <p>4 with Bobby in the car?</p> <p>5 A It was before they -- they pulled on and -- you want me</p> <p>6 to --</p> <p>7 Q Well, let me look for -- for clarity, let me ask, did you</p> <p>8 realize that Bobby Merrill needed medical attention, like</p> <p>9 imminent medical attention, before or after the medical</p> <p>10 unit arrived on scene?</p> <p>11 A After.</p> <p>12 Q Okay. So the medical unit arrived on scene before you</p> <p>13 realized there was an issue with Bobby Merrill?</p> <p>14 A Yes.</p> <p>15 Q A major issue with Bobby Merrill?</p> <p>16 A Yes.</p> <p>17 Q Okay. The taser cartridges, barbs and wires that you had</p> <p>18 accumulated, put on the trunk of this car, did you take</p> <p>19 steps to preserve them or put them in evidence?</p> <p>20 A They were placed into evidence.</p> <p>21 Q How did you do that?</p> <p>22 A I don't recall if I placed them in evidence or not, but I</p> <p>23 know that they're evidence items. I put them on the</p> <p>24 trunk of the car.</p> <p>25 You know, you have the wire, so you roll the</p>

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<p style="text-align: right;">Page 202</p> <p>1 wire up. You have the spent cartridges. You pick up the</p> <p>2 probes. Started to put the probes in. And that's about</p> <p>3 as far as I recall getting with the spent cartridge</p> <p>4 components.</p> <p>5 Q Okay. And what stopped you working with the spent</p> <p>6 cartridge components?</p> <p>7 A The ambulance had pulled on the scene.</p> <p>8 Q What happened when the ambulance pulled on the scene?</p> <p>9 A When the ambulance pulled on the scene, I went to the</p> <p>10 vehicle to tell Mr. Merrill that the ambulance people</p> <p>11 were there, not the police. That's what I was going to</p> <p>12 do, is just let him know that -- to cooperate with them.</p> <p>13 I opened up the vehicle. I said -- I actually</p> <p>14 called him Bobby. I said, "Bobby." I said, "Hey."</p> <p>15 Nothing. "Bobby." Nothing. So I thought he was</p> <p>16 playing. I've had people do it before to me where they</p> <p>17 fake like they have an injury.</p> <p>18 So I opened up his eyelid, flicked it twice</p> <p>19 with my finger. There was no response. Told the MMR</p> <p>20 people -- I actually felt for a pulse. I could not feel</p> <p>21 a pulse.</p> <p>22 Q When you say you flicked his eye twice for a response,</p> <p>23 how did you do that?</p> <p>24 A I opened up his eye and went... (Demonstrating).</p> <p>25 Q And no --</p>	<p style="text-align: right;">Page 204</p> <p>1 Q And when you pulled him out of car, you said that you had</p> <p>2 removed the handcuffs and the dog leash --</p> <p>3 A Yes.</p> <p>4 Q -- correct?</p> <p>5 And when you put him on the ground, did you</p> <p>6 place him on his back?</p> <p>7 A Yes.</p> <p>8 Q And were the EMS medical responders there with you at</p> <p>9 this time?</p> <p>10 A Yes.</p> <p>11 Q How many?</p> <p>12 A Three.</p> <p>13 Q Three? And when you got him on his back, you said that</p> <p>14 you did chest compressions?</p> <p>15 A Yes.</p> <p>16 Q Did they instruct you to do chest compressions?</p> <p>17 A Yeah. They were setting up like their EKG -- I don't</p> <p>18 know what the machine is. They were playing around with</p> <p>19 one of their machines.</p> <p>20 MR. REISING: IED?</p> <p>21 THE WITNESS: I'm sorry. It's not playing</p> <p>22 around. I think it's called an IED or something to that</p> <p>23 nature. But they had their machine that has like a tape</p> <p>24 on it.</p> <p>25 There was another individual that was -- had an</p>
<p style="text-align: right;">Page 203</p> <p>1 A Nothing.</p> <p>2 Q No response?</p> <p>3 A Nothing.</p> <p>4 Q And you said after that you felt for a pulse?</p> <p>5 A Could not feel a pulse.</p> <p>6 Q Where did you check for a pulse?</p> <p>7 A Right here --</p> <p>8 Q Okay.</p> <p>9 A -- the carotid artery.</p> <p>10 Q What happened next?</p> <p>11 A I couldn't feel a pulse. I told the MMR people, I said,</p> <p>12 "Hey, get over here right now." They came over. I ran</p> <p>13 to the other side of the car to take off the handcuffs</p> <p>14 and the rope. Removed all that.</p> <p>15 Mr. Merrill was then pulled out of the</p> <p>16 passenger side of the vehicle. And I assisted with CPR</p> <p>17 at that point. Started with -- throughout the process I</p> <p>18 did the bag and chest compressions.</p> <p>19 Q So at this point, the car that Bobby Merrill is in is on</p> <p>20 Gilmore Street?</p> <p>21 A Yes.</p> <p>22 Q You pulled him out through the passenger side, and I</p> <p>23 imagine you put him on the little grassy area between the</p> <p>24 sidewalk and the street, correct?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 205</p> <p>1 oxygen tank. I remember him doing the oxygen tank with</p> <p>2 the mask for the oxygen tank. There was a third one that</p> <p>3 was attempting to, I guess, insert something into his</p> <p>4 bone marrow in one of his legs.</p> <p>5 While that was going on, myself and Officer</p> <p>6 Severs, we switched out, we rotated out doing the bag and</p> <p>7 then the chest compressions.</p> <p>8 Q (BY MR. BRUNETTI) Are you trained to administer CPR?</p> <p>9 A Yes.</p> <p>10 Q When you did chest compressions, where on his body were</p> <p>11 you placing your hands?</p> <p>12 A Two inches above his sternum.</p> <p>13 Q Okay. When you did chest compressions, how quickly were</p> <p>14 you applying the chest compressions?</p> <p>15 A Approximately one every second.</p> <p>16 Q One every second?</p> <p>17 A (Nodding head affirmatively)</p> <p>18 Q Okay. Did you do anything else?</p> <p>19 A We switched out while -- when you fatigue, when, you</p> <p>20 know, when your muscles get fatigued, you --</p> <p>21 Q Right. So at that point, you're operating the oxygen?</p> <p>22 A Yes, the bag. Just the pump bag that you squeeze, and it</p> <p>23 blows a breath of air.</p> <p>24 MR. REISING: The Ambu bag.</p> <p>25 THE WITNESS: Is that what it's called?</p>

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